

EPA Region III

Office of Public Affairs

EARLY BIRD HEADLINES

Thursday, August 23 , 2012

*** MORNING HOT LIST ***

Editorial: Slapping the EPA: Rogue & lawless

PITTSBURGH TRIBUNE-REVIEW POW! BIFF! BONK! SUH-LAPPPPP! No, it's not a rerun of a fight scene from the old "Batman" TV series from the 1960s; it's the bottom line of a federal court panel's ruling that fully exposes the Environmental Protection Agency for what it is — a serial perverter of the rule of law. In a 2-1 decision sure to be Supreme Court-bound, the U.S. Court of Appeals for the District of Columbia said the EPA exceeded its statutory authority with its Cross-State Air Pollution Rule. The year-old rule was designed to limit sources of upwind pollution, primarily from coal-fired electricity generation, that supposedly caused downwind states to be in noncompliance with clean-air laws. The EPA exceeded its congressional warrant in two ways. First, it arbitrarily forced upwind emissions reductions in excess of the nonattainment of downwind "victims." Second, it hijacked remedies reserved to the states. Given the onerous costs associated with "compliance," juxtaposed with the Obama administration's clearly stated War on Coal, it's clear that the EPA's illegal rule was designed to shut down those power plants and, in doing so, not just raise consumers' bills but threaten the very integrity of the electric grid and national security itself. "EPA seems reluctant to acknowledge any textual limits on its authority," the court ruled. And that makes it a rogue and lawless outfit, one whose very charter should, come January, be revoked by a Republican Congress.

Think tank fears 'hot spots' on the Bay

NEWPORT NEWS DAILY PRESS A scholarly think tank is raising a red flag over nutrient credit-trading programs in Chesapeake Bay states, warning that without proper monitoring they could lead to pollution "hot spots" and put poor communities at risk. "I am not a trading denier, and I'm not opposed to it," said Rena Steinzor, a law professor at the University of Maryland. "I think it needs to be done right." The concern is with programs in Virginia and other bay watershed states such as Pennsylvania and Maryland that allow point sources such as sewage treatment plants and nonpoint sources, such as farms, to buy and sell pollution credits. Those that discharge less than their federal allowance can sell their extra credits to those who wish to discharge more. But one unintended consequence, said Steinzor, could be that poorer communities, particularly those living or fishing in waters near sewage discharge areas, are exposed to higher levels of pathogens and other pollutants. The federal Clean Water Act and Virginia state code already forbid violating water quality standards in the bay and its tributaries, but Steinzor said such laws are toothless without vigorous oversight. "The problem with their theory," said Steinzor, "is there is no blanket monitoring, and there is no enforcement." Steinzor is co-author of a briefing paper called "Fairness in the Bay: Environmental Justice and Nutrient Trading" released this week by the Center for Progressive Reform, a Washington-based liberal nonprofit network of scholars in the legal, economic and scientific fields. The Virginia Department of Environmental Quality sharply refutes the center's concerns. "It's

very hard to know if they even read the code of Virginia," said Russ Baxter, Chesapeake Bay coordinator with the state. "It's difficult to understand their points, because they're so foreign to our program."

Editorial: A federal court rules the EPA out of bounds

CHARLESTON DAILY MAIL A federal appeals court ruled that the Environmental Protection Agency exceeded its authority when it ordered power plants to meet impossible deadlines for reducing emissions of sulfur dioxide by 73 percent and nitrogen oxide by 54 percent. The court set a good example by acknowledging its own limits in its ruling on Tuesday. "It is not our job to set environmental policy," wrote Judge Brett Kavanaugh for the 2-1 majority. "Our limited but important role is to independently ensure that the agency stays within the boundaries Congress has set. EPA did not do so here." If only everyone - anyone - in the Obama administration would acknowledge that the Constitution limits its powers. A number of states and electric companies sued the EPA over the rule change. The states argued the EPA did not give them time to implement their own rules. The court agreed. "In effect, EPA's view is that the only chance states have to hit the target is before the EPA defines the target," Judge Kavanaugh wrote. "By the time EPA makes the target clear, it's already too late for the states to comply." Texas Attorney General Greg Abbott was among those who were pleased by the decision. "Vindicating the state's objections to EPA's aggressive and lawless approach, today's decision is an important victory for federalism and a rebuke to a federal bureaucracy run amok," Abbott said. Sam Batkins, director of regulatory policy for the American Action Forum, said this is only one of several times this administration has run amok. "Based on our calculations, judges across the ideological spectrum, including the President's appointees, have struck down 15 major regulations, with a total cost of \$4.6 billion," Batkins said. Scott Segal, director of the Electric Reliability Coordinating Council, a coalition of utilities and energy companies, also praised the decision. "When the EPA takes liberties with its legal authority, the result is higher prices for consumers, businesses, schools and hospitals," Segal said. "At a time of economic recession, the country cannot afford sloppy rulemaking of this sort. The EPA can and should do better." Fighting pollution does not justify ignoring constitutional limits on power. Thank goodness some judges are willing to stand up to a rogue administration.

DEP: Cabot Allowed to Frack in Dimock

WNEP-TV CABOT DIMOCK — If you take a drive through Dimock Township in Susquehanna County, you can't miss it. Signs on Ray Kemble's property that read, "Make Cabot pay," and "don't frack with our water." Even a billboard that says "would you drink this PA gas-filled water?" The message is loud and clear. "Get the frack out out of town," said Ray Kemble of Dimock. Kemble said shortly after Cabot began fracking on his land, his water turned brown. He claims it was contaminated with unhealthy levels of lithium. Now he has to bring in gallons of water to do simple everyday things like shower, make coffee and brush his teeth. He said Cabot has ruined his life. "It's going to be the water, the air pollution, it's going to be the water pollution, the road traffic, the damage to the roads again. When they're done raping the land, raping everyone around here, they will pick up all their little toys and their employees and go back where they came from and they'll leave the toxic dump here," said Kemble. But Cabot Oil and Gas insists most of the Dimock community has welcomed the natural gas industry, and DEP recently gave Cabot the authorization to resume hydraulic fracturing on seven previously drilled wells in the Dimock area. The wells were shut down for quite some time due to concerns of water contamination. DEP said Cabot has followed regulations, and has agreed to continue providing well water samples, ensuring the water is safe. While many neighbors said they are against fracking, others said there's nothing you can do to stop them. "There's a lot of activity and it's going to be busy again, so we can't stop them, DEP let them back in," says Scott Ely of Dimock. While Cabot is again allowed to resume fracking in the wells, the company is still not allowed to drill any new ones.

Allegheny County health panel recommends rejecting updated air toxics rules

PITTSBURGH POST GAZETTE An Allegheny County Health Department advisory committee has recommended that the Board of Health reject proposed air toxics guidelines that are more protective of public health than the existing guidelines. The Air Quality Citizens Advisory Committee, which has just seven members instead of its full complement of 19, voted 5-1 with one abstention last week to urge the health board to reject the new guidelines. Five of the seven current members are industry attorneys and representatives. Its recommendation is advisory only. Final action on the update of the county's outdated and ineffective air toxic guidelines is expected at the Health Board's next meeting on Sept. 19. Bob Orchowski, one of the five board members who voted against the proposed guidelines, said there is agreement that the county's 24-year-old guidelines need to be updated, but questioned the "clandestine" process that produced the new proposal. "The committee held more than 20 meetings and never once, as a professional courtesy, came back to the citizens air advisory committee," said Mr. Orchowski, owner of the Hillcrest Group LLC, a project development and consulting company. "Our citizens committee is supposed to provide guidance and recommendations to the Board of Health but we weren't given an opportunity to do that." He said the toxics proposal as written creates uncertainty for industry and "has some real serious legal and technical issues." Those include inconsistent definitions, regulation of even small air toxics emitters and an emissions "offsets" provision that is unworkable. "I think the proposed guidelines, if approved by the board, will be subject to legal challenges," Mr. Orchowski said. The proposed air toxics guidelines -- produced after two years of meetings by a 22-member ad hoc committee of industry, environmental and regulatory representatives -- would replace the old guidelines, which contain no exposure limits and have never been updated to reflect new scientific findings about chemical toxicity.

W.Va. Gov. Tomblin on hand at wastewater facility's dedication

CUMBERLAND TIMES-NEWS PATTERSON CREEK, W.Va. — West Virginia Gov. Earl Ray Tomblin was on hand on Wednesday to dedicate the first wastewater treatment facility in the state to become compliant with Chesapeake Bay regulations. "This celebrates a longstanding and necessary partnership between the community and the environment," said Tomblin during the dedication of the Frankfort Public Service District Northern Mineral County Regional Sewer Plant. "It also demonstrates what can be accomplished when West Virginians work together for a common goal. This is an investment for the future, not only in our community but also for our children." The first phase of the sewer project was recently completed and once all phases are finished the facility will reduce the amount of contaminants discharging into the state's streams and rivers, thus providing a cleaner environment. "Frankfort Public Service District has shown itself as a leader in the state in complying with the Chesapeake Bay criteria," said Scott Mandirola, director of Water and Waste Management, West Virginia Department of Environmental Protection. Phase 1 of the project, which cost \$18,221,000, serves more than 1,200 customers. Construction began in 2009 and was placed in operation in July 2010. "The Chesapeake Bay TMDL (Total Maximum Daily Loads) wasn't completed until December 2010. Six months after that, the upgrades at this facility were completed, it was online and this facility was totally compliant with those criteria — the first facility in the state by far to do that," said Mandirola. "The only way that could have taken place was years of planning and forethought. It shows cooperation on a county, state and local level that is hard to match in other regions of the state." In 2004, the DEP — at the direction of Environmental Protection Agency — implemented the Chesapeake Bay strategy to reduce the amounts of nitrogen, phosphorus and sediment to improve bay quality. As a result, the project was re-evaluated incorporating the state's limitations of nutrient loadings. "Cleaning up the bay is a big project and the Northern Mineral County Regional Sewer Project is one important component," said Tomblin.

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programs in Virginia and other bay watershed states such as Pennsylvania and Maryland that allow point sources such as sewage treatment plants and nonpoint sources, such as farms, to buy and sell pollution credits. Those that discharge less than their federal allowance can sell their extra credits to those who wish to discharge more. But one unintended consequence, said Steinzor, could be that poorer communities, particularly those living or fishing in waters near sewage discharge areas, are exposed to higher levels of pathogens and other pollutants. The federal Clean Water Act and Virginia state code already forbid violating water quality standards in the bay and its tributaries, but Steinzor said such laws are toothless without vigorous oversight. "The problem with their theory," said Steinzor, "is there is no blanket monitoring, and there is no enforcement." Steinzor is co-author of a briefing paper called "Fairness in the Bay: Environmental Justice and Nutrient Trading" released this week by the Center for Progressive Reform, a Washington-based liberal nonprofit network of scholars in the legal, economic and scientific fields. The Virginia Department of Environmental Quality sharply refutes the center's concerns. "It's very hard to know if they even read the code of Virginia," said Russ Baxter, Chesapeake Bay coordinator with the state. "It's difficult to understand their points, because they're so foreign to our program."

Shell discusses future of cracker plant in Beaver County

PITTSBURGH POST GAZETTE Shell Oil Co. officials are working to make inroads with the community that may host their lucrative ethane cracker plant, but kicked off Wednesday's forum in Monaca by noting that hurdles still remain before the Beaver County site may get their final stamp of approval. Company executives held the second of two community meetings before a crowd of about 100 people at Central Valley High School, where they explained their proposed plant and its operations. Standing before a table of petrochemical products -- ranging from a laundry detergent bottle and some of the chemicals inside, to cling wrap and polyester clothing -- one official described the wide array of demand for the ethylene and derivatives to be produced from the cracker plant. Reaching the final step of operation, however, will rely on meeting both the company's physical needs and its atmospheric ones. "We are here to stay if we build this thing, and we're looking for a partnership with the community," said Todd Whittemore, a Shell official involved in the site selection. Before the presentation got under way, Center resident Kurt Kerry said he's supportive of the project and the economic benefits it would bring. All he wanted to know, Mr. Kerry said, is "how soon?" The answer to his question was somewhat elusive, though one major indicator will come later this year. Shell and state officials announced in March, after months of competition with Ohio and West Virginia, that Pennsylvania was the company's preferred site for locating an ethane processing facility. That announcement was after Shell signed a land-option agreement for former Horsehead zinc smelter site in Potter. While the announcement was heralded as a coup over neighboring gas-rich states, the officials involved cautioned that the project was far from finalized.

Survivor: Meet the Returning Castaways (EPA's Russel Swan!)

CBS After being medically evacuated from the game, these Survivor all-stars return to finish what they started and for one more chance at the million dollars.

PENNSYLVANIA

PITTSBURGH POST-GAZETTE

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HARRISBURG PATRIOT NEWS

Air quality alert in effect for Harrisburg area on Thursday HARRISBURG — An air quality alert has been issued

for the midstate for Thursday, the National Weather Service in State College said. The Pennsylvania Department of Environmental Protection issued the "code orange air quality alert" earlier today for Cumberland, Dauphin, Lancaster, Lebanon and York counties. A code orange air quality alert means that air pollution concentrations within the region may become unhealthy for sensitive groups such as children, people suffering from asthma, heart disease or other lung diseases and the elderly. The effects of air pollution can be minimized by avoiding strenuous activity or exercise outdoors. To help keep the air healthy, residents and businesses are encouraged to voluntarily limit certain pollution-producing activities by mowing the lawn in the late evening, avoiding excessive idling or jack-rabbit starts when driving and saving energy by turning off unused lights in your home.

Steam release at TMI causes loud noise; no radiation detected People who live near Three Mile Island in Londonderry Township may have heard a loud noise this morning when steam was released into the atmosphere during a shutdown of the nuclear power plant. If there were traces of radiation in the steam, the amount was so low it was undetectable, Exelon Corp. spokesman Ralph DeSantis said. The plant was being manually shut down today for repairs to a slight leak in a heater element when a pump in the non-nuclear section malfunctioned around 8 a.m., causing the plant to shut down immediately. When this happened, steam was released from valves, DeSantis said. TMI will return to service after the repairs, inspections and testing on the heater element on the plant's pressurizer tank are complete, DeSantis said. Electric customers were not affected by the plant being offline.

WNEP-TV SCRANTON

DEP: Cabot Allowed to Frack in Dimock DIMOCK — If you take a drive through Dimock Township in Susquehanna County, you can't miss it. Signs on Ray Kemble's property that read, "Make Cabot pay," and "don't frack with our water." Even a billboard that says "would you drink this PA gas-filled water?" The message is loud and clear. "Get the frack out out of town," said Ray Kemble of Dimock. Kemble said shortly after Cabot began fracking on his land, his water turned brown. He claims it was contaminated with unhealthy levels of lithium. Now he has to bring in gallons of water to do simple everyday things like shower, make coffee and brush his teeth. He said Cabot has ruined his life. "It's going to be the water, the air pollution, it's going to be the water pollution, the road traffic, the damage to the roads again. When they're done raping the land, raping everyone around here, they will pick up all their little toys and their employees and go back where they came from and they'll leave the toxic dump here," said Kemble. But Cabot Oil and Gas insists most of the Dimock community has welcomed the natural gas industry, and DEP recently gave Cabot the authorization to resume hydraulic fracturing on seven previously drilled wells in the Dimock area. The wells were shut down for quite some time due to concerns of water contamination. DEP said Cabot has followed regulations, and has agreed to continue providing well water samples, ensuring the water is safe. While many neighbors said they are against fracking, others said there's nothing you can do to stop them. "There's a lot of activity and it's going to be busy again, so we can't stop them, DEP let them back in," says Scott Ely of Dimock. While Cabot is again allowed to resume fracking in the wells, the company is still not allowed to drill any new ones.

WILLIAMSPORT SUN-GAZETTE

Area farm evolves into award-winning showcase MONTGOMERY - As county director for the U.S. Department of Agriculture's Farm Service Agency, Michael Sherman helps farmers enroll in conservation programs designed to improve water quality locally and throughout the Chesapeake Bay watershed. Sherman isn't just talking the talk, however. Using programs offered by his and other agencies, he has turned his Clinton Township cattle farm into an award-winning showcase of conservation practices that reduce pollutants such as animal waste and sediment from entering the watershed. Clean in, clean out Sherman's motivation is simple. "The water is clean when it gets to my farm," he said. "I want it to be clean leaving my farm." Sherman and his wife Vanessa have been so successful at improving water quality, they recently received the Association of Conservation Districts Chesapeake Bay Education Office Clean Water Farm Award. The award is presented each year to farmers who implement pollution reducing conservation practices and show an understanding of how those practices impact the watershed. Mark Davidson, manager of the Lycoming County Conservation District which named the Shermans the 2010 Cooperator of the Year, said his office nominated Sherman for the award. The Shermans also has received the 2011

Pennsylvania Cattlemen Environmental Stewardship Award. "We thought it was appropriate that Mike be recognized for his efforts in conservation," Davidson said. "If there is a practice that will benefit his operation, he's always willing to implement it." Numerous conservation practices Michael Sherman has implemented numerous conservation practices on his family farm since he bought it from his grandfather Donald Sherman five years ago.

WASHINGTON, D.C.

WTOP-RADO

Va. Beach issues swimming advisory for part of bay VIRGINIA BEACH, Va. - The Virginia Beach Department of Public Health has issued a swimming advisory for part of the Chesapeake Bay. Health officials say bacteria levels in the water between Rockbridge Road and Starfish Road exceed state standards. The advisory does not affect the Virginia Beach oceanfront or resort area. Signs will be posted on the beach between Rockbridge Road and Starfish Road to alert the public that swimming and wading are prohibited until further notice.

DELAWARE

WILMINGTON NEWS JOURNAL

Emergency security drill to take place in Wilmington Thursday The Wilmington Police Department announced in a news release today that officers and staff from Wilmington Hospital will conduct an emergency ...

Coastal Cleanup returns to beaches Sept. 15 FENWICK ISLAND -- Residents interested in keeping local beaches clean can do their part by participating in the 2012 Coastal Cleanup. David Small, deputy secretary of the Delaware Department of Natural Resources and Environmental Control, joined staff members from Delmarva Power on Ocean City's beach Wednesday to urge people to participate in the annual event. This year, the main portion of the cleanup will take place from 9 a.m. to noon Sept. 15. "It's important that people get out and do something positive for the environment," said Matt Likovich, spokesman for Delmarva Power, one of the cleanup sponsors. The event, which is in its 26th year, will span 97 miles of Delaware's coast. More than 40 locations in Kent, Sussex and New Castle counties will be targeted, along with sites throughout Maryland and New Jersey. In Worcester County, portions of the Pocomoke River, Nassawango Creek, Ocean City and Assateague Island will be targeted. Small said in the early years, the event got started as a simple beach cleanup. The immense amount of public participation,

WEST VIRGINIA

CHARLESTON DAILY MAIL

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companies sued the EPA over the rule change. The states argued the EPA did not give them time to implement their own rules. The court agreed. "In effect, EPA's view is that the only chance states have to hit the target is before the EPA defines the target," Judge Kavanaugh wrote. "By the time EPA makes the target clear, it's already too late for the states to comply." Texas Attorney General Greg Abbott was among those who were pleased by the decision. "Vindicating the state's objections to EPA's aggressive and lawless approach, today's decision is an important victory for federalism and a rebuke to a federal bureaucracy run amok," Abbott said. Sam Batkins, director of regulatory policy for the American Action Forum, said this is only one of several times this administration has run amok. "Based on our calculations, judges across the ideological spectrum, including the President's appointees, have struck down 15 major regulations, with a total cost of \$4.6 billion," Batkins said. Scott Segal, director of the Electric Reliability Coordinating Council, a coalition of utilities and energy companies, also praised the decision. "When the EPA takes liberties with its legal authority, the result is higher prices for consumers, businesses, schools and hospitals," Segal said. "At a time of economic recession, the country cannot afford sloppy rulemaking of this sort. The EPA can and should do better." Fighting pollution does not justify ignoring constitutional limits on power. Thank goodness some judges are willing to stand up to a rogue administration.

OSHA investigates after Nitro chemical plant worker dies CHARLESTON, W.Va. -- The U.S. Occupational Safety and Health Administration is investigating a June incident that led to the death of a worker at the AC and S Inc. chemical plant in Nitro. Nitro Fire Department Capt. Mark Jarrett mentioned the incident during a city council meeting Tuesday night. Jarrett said a man, whose name was not revealed, was rushed to the hospital on June 25 after he had inhaled dangerous gases on the job. He died several days later. Emergency crews responded to the plant after a call came in to Metro 911 that a worker needed medical assistance, said C.W. Sigman, Kanawha County fire coordinator and deputy emergency manager. "The report said (the worker) was sandblasting and just fell over," Sigman said. "He was wearing a breathing apparatus, and it could have been a malfunction with that or it could have been a medical emergency," he said. Sigman said crews didn't find any hazardous chemicals were released during the incident. Prentice Cline, area director at OSHA's West Virginia office in Charleston, confirmed Wednesday the agency was conducting an investigation. Cline said OSHA officials responded the day the incident occurred and began the investigation. He declined to give any further details, saying it would be inappropriate to comment or discuss details until the investigation was complete. "We can't release any details other than to say we're still investigating and trying to determine what the causal factors were and if there were any OSHA violations," Cline said. AC and S officials did not respond to a request for comment Wednesday afternoon. According to the company's website, the Nitro plant processes a range of chemicals, including agricultural chemicals, epoxy and neoprene curing agents, pharmaceutical intermediates and petroleum and specialty dyes. Cline said OSHA has six months to complete the investigation and issue any citations.

WEST VIRGINIA PUBLIC BROADCASTING

WV works to improve overall health through federal grant The Center for Disease Control and Prevention is trying to improve the health of Americans through Community Transformation Grants. It's part of the Affordable Care Act which has been referred to as "Obama Care."

EPA interstate air pollution ruling struck down A federal appeals court overturned a federal rule that laid out how much air pollution states would have to clean up to avoid violations in downwind states.

ASSOCIATED PRESS (W. Va.)

Coal silo collapses at Preston County power plant ALBRIGHT, W.Va. --Mon Power says it's investigating what caused the collapse of a coal silo at the Albright Power Plant just 10 days before it was set to be taken offline. No one was injured when the No. 2 silo collapsed. WBOY-TV says it's one of three at the site. Albright is an older, inefficient generating station that Ohio-based FirstEnergy is shutting down to comply with new federal air emissions standards. Spokesman Mark Durbin says Mon Power engineers are examining why the building failed Monday, and the company is making sure that coal ash at the site is disposed of properly. In May, FirstEnergy agreed to pay \$50,000 to settle a federal lawsuit brought by three West Virginia environmental groups accusing the

utility of arsenic pollution from the Albright coal-ash dump.

MARYLAND

SARASOTA (FLA.) PATCH

Sen. Ben Cardin Touts Obama Environmental Policies At Sarasota stop Maryland Sen. Ben Cardin stopped at Mote Marine Laboratory in Sarasota to campaign for President Barack Obama, touting the president's environmental policies on the Everglades and Gulf of Mexico. Maryland Sen. Ben Cardin stopped at Sarasota's Mote Marine Laboratory Wednesday afternoon as part of a President Barack Obama campaign stop highlighting environmental policies. Cardin met with several top Florida environmental leaders behind closed doors at Mote Marine before speaking to the press about Obama's plan to preserve the Everglades and protect the Gulf of Mexico. Mote actually partners with the National Aquarium, based in Baltimore, to assess damage from oil spills, including the Deepwater Horizon/BP oil spill, Cardin explained. "We very much appreciate this collaboration between two great, world-class institutions," Cardin said. "Their partnerships have made both institutions stronger, and we really do applaud their work on that." But the focus was on Obama's policy that Cardin supports to protect the Everglades and the Gulf of Mexico, keying in that Obama's approach is science-based and using "best science." "President Obama believes we should be guided by the best science and do our environment commitments based on what best science tells us," Cardin said. "If we do it the right way, then we'll create more jobs, safe jobs, to keep people healthy. That's what has guided his administration." Cardin claims that Republican presidential nominee Mitt Romney's support of the budget of his runningmate, Congressman Paul Ryan (Wis.—R) "would have completely decimated the Environmental Protection Agency and its ability to enforce clean water and clean air standards." Drilling would "jeopardize our environmentally pristine lands" Cardin added. Science practices now place limits on phosphorous pollution and use a monitoring system that allows scientists to track research and confirm that the Everglades is being preserved and restored, according to the campaign. Being from Maryland, Cardin has had to do work to see what policies and programs could protect the Chesapeake Bay, which is work "a trillion dollars" to the Chesapeake Bay watershed economy, he said. The roundtable discussed how parts of the 30-year-old Chesapeake Bay Program can be relevant and used in the Everglades, Cardin told *Patch*.

SALISBURY DAILY TIMES

UMES receives \$500,000 grant in geosciences PRINCESS ANNE -- Maryland's Democratic U.S. Senators Barbara A. Mikulski and Ben Cardin, announced Wednesday that the University of Maryland Eastern Shore has been awarded a \$500,000 grant from the National Science Foundation to prepare high school students to complete undergraduate and advanced degree programs to prepare them for careers in geosciences.

Commentary: What is nutrient tracking? A research report released on Thursday by the Center for Progressive Reform raises a hot environmental issue: the concern that the real costs of "nutrient trading" (a proposed market-based program to reduce pollution flowing into the Chesapeake Bay) may be borne primarily by low-income and minority communities. The report raises questions about whether another well-meaning but poorly implemented governmental policy might produce unintended consequences that harm disadvantaged communities while benefiting the rest of society. It alerts us we need to proceed cautiously and offers some guidelines when implementing nutrient trading to ensure that disadvantaged communities also share in the benefits. To limit pollutants entering the bay, mandatory limits were set on the amounts of nitrogen, phosphorus and sediments that can drain from each area. Ways have been developed to help states accomplish this: upgraded wastewater treatment plants; winter cover crops; stormwater retention projects; and high-efficiency septic systems. Another new, as-yet untested approach is nutrient trading, which seeks to harness market forces to help states achieve goals in a cost-effective, fair way. Trading is attracting interest. The proposed program is based on a belief costs should be shared among all whose actions contribute to water pollution: driving motor vehicles, flushing sewage, salting icy

sidewalks and roads, heating and cooling homes and businesses, fertilizing lawns and farms. It also assumes current technology cannot sufficiently eliminate pollutants at a sustainable cost. The program seeks to even the cost by matching buyers facing high costs for changes to meet mandatory goals, with sellers who have exceeded their required goals at a lower cost.

CUMBERLAND TIMES-NEWS

W.Va. Gov. Tomblin on hand at wastewater facility's dedication PATTERSON CREEK, W.Va. — West Virginia Gov. Earl Ray Tomblin was on hand on Wednesday to dedicate the first wastewater treatment facility in the state to become compliant with Chesapeake Bay regulations. “This celebrates a longstanding and necessary partnership between the community and the environment,” said Tomblin during the dedication of the Frankfort Public Service District Northern Mineral County Regional Sewer Plant. “It also demonstrates what can be accomplished when West Virginians work together for a common goal. This is an investment for the future, not only in our community but also for our children.” The first phase of the sewer project was recently completed and once all phases are finished the facility will reduce the amount of contaminants discharging into the state’s streams and rivers, thus providing a cleaner environment. “Frankfort Public Service District has shown itself as a leader in the state in complying with the Chesapeake Bay criteria,” said Scott Mandirola, director of Water and Waste Management, West Virginia Department of Environmental Protection. Phase 1 of the project, which cost \$18,221,000, serves more than 1,200 customers. Construction began in 2009 and was placed in operation in July 2010. “The Chesapeake Bay TMDL (Total Maximum Daily Loads) wasn’t completed until December 2010. Six months after that, the upgrades at this facility were completed, it was online and this facility was totally compliant with those criteria — the first facility in the state by far to do that,” said Mandirola. “The only way that could have taken place was years of planning and forethought. It shows cooperation on a county, state and local level that is hard to match in other regions of the state.” In 2004, the DEP — at the direction of Environmental Protection Agency — implemented the Chesapeake Bay strategy to reduce the amounts of nitrogen, phosphorus and sediment to improve bay quality. As a result, the project was re-evaluated incorporating the state’s limitations of nutrient loadings. “Cleaning up the bay is a big project and the Northern Mineral County Regional Sewer Project is one important component,” said Tomblin.

VIRGINIA

RICHMOND TIMES-DISPATCH

Chesterfield seeking water alternatives CHESTERFIELD, Va. -- Chesterfield County officials are seeking alternative water solutions as mandatory restrictions go into effect today due to declining levels at one of the county's water sources. The Appomattox Regional Water Authority announced last week that decreasing water levels at Lake Chesdin required the water-saving efforts. Each of the localities that receives water from the lake is expected to impose mandatory restrictions today. The 3,100-acre reservoir provides water to the counties of Chesterfield, Dinwiddie and Prince George and the cities of Colonial Heights and Petersburg. Chesterfield's director of utilities, Roy Covington, said during a briefing Wednesday with the Board of Supervisors that county staff are exploring water supply alternatives to Lake Chesdin. Chesterfield County receives water from three sources — the James River, Swift Creek Reservoir and Lake Chesdin. Over the past five years, 52 percent of the county's annual average water use came from Lake Chesdin. Chesterfield has a contract to receive 66 million gallons of water per day from Lake Chesdin. "I'd like to assure you that staff is actively pursuing additional water sources to supplement Lake Chesdin as well as considering other short-term alternatives, such as raising the dam level or dredging the lake," Covington said. Clover Hill District Supervisor Art Warren said the county needs to aggressively pursue those alternatives because of the economic development and sports tourism opportunities the county hopes to attract. The lake level was 52 inches below the top of the George F. Brasfield Dam on Friday, a drop of 14 inches in three weeks. This is the first time ARWA has imposed mandatory restrictions since 2010,

when Lake Chesdin reached a record low of 128 inches below the top of the dam. Lake Chesdin's low water levels began not as drought conditions worsened in the Appomattox River basin, but months ago during the winter. "The groundwater levels before we even got to summer were already well below what you normally would expect in that basin," said County Administrator James J.L. "Jay" Stegmaier. Also, water entering the lake daily is not keeping pace with the rate of evaporation. In June, the ARWA announced voluntary water restrictions. Though only parts of Chesterfield receive water from Lake Chesdin, mandatory restrictions apply to the entire county because of the interconnectivity of the county's water supply

NORFOLK VIRGINIAN PILOT

Swimming advisories lifted for Ocean View beaches NORFOLK -- Swimming advisories posted Tuesday for several Ocean View beaches have been lifted. The advisories had been posted for North Community Beach, Ocean View Park, Sara Constance, 10th View, 13th View and Captain's Quarters. But testing of waters Tuesday afternoon showed that the levels of enterococci organisms is again within state quality standards, a city news release said. For more information, call the Environmental Health Division of the Norfolk Department of Public Health at 757-683-2712.

Chesapeake Bay swimming advisory in Va. Beach VIRGINIA BEACH -- A swimming advisory has been issued for the Chesapeake Bay between Rockbridge and Starfish roads. Testing recently conducted by the Health Department showed bacteria levels in the water exceeded state water quality standards, according to a news release from the city of Virginia Beach. Signs about the advisory will be posted at the site. The advisory will be dropped and the signs be removed after testing indicates samples meet water quality standards. Coastal waters are tested in Virginia weekly from May through September.

NEWPORT NEWS DAILY PRESS

Think tank fears 'hot spots' on the Bay A scholarly think tank is raising a red flag over nutrient credit-trading programs in Chesapeake Bay states, warning that without proper monitoring they could lead to pollution "hot spots" and put poor communities at risk. "I am not a trading denier, and I'm not opposed to it," said Rena Steinzor, a law professor at the University of Maryland. "I think it needs to be done right." The concern is with programs in Virginia and other bay watershed states such as Pennsylvania and Maryland that allow point sources such as sewage treatment plants and nonpoint sources, such as farms, to buy and sell pollution credits. Those that discharge less than their federal allowance can sell their extra credits to those who wish to discharge more. But one unintended consequence, said Steinzor, could be that poorer communities, particularly those living or fishing in waters near sewage discharge areas, are exposed to higher levels of pathogens and other pollutants. The federal Clean Water Act and Virginia state code already forbid violating water quality standards in the bay and its tributaries, but Steinzor said such laws are toothless without vigorous oversight. "The problem with their theory," said Steinzor, "is there is no blanket monitoring, and there is no enforcement." Steinzor is co-author of a briefing paper called "Fairness in the Bay: Environmental Justice and Nutrient Trading" released this week by the Center for Progressive Reform, a Washington-based liberal nonprofit network of scholars in the legal, economic and scientific fields. The Virginia Department of Environmental Quality sharply refutes the center's concerns. "It's very hard to know if they even read the code of Virginia," said Russ Baxter, Chesapeake Bay coordinator with the state. "It's difficult to understand their points, because they're so foreign to our program."

Tidewatch gives heads-up on tidal surges Chesapeake Bay residents have a new online tool that shows local tidal surges in real time and forecasts them up to 36 hours on an approaching storm's potential impact on their property. The forecast system, Tidewatch, found at vims.edu/tidewatch, is the first of its kind in Virginia. Developed over three years by the Virginia Institute of Marine Science (VIMS) in Gloucester Point, in conjunction with the National Weather Service, it's meant to offer guidance while considering a course of action in advance of a hurricane or bad storm. A waterfront business, for instance, might decide to close up shop if waters are expected to rise to levels that might flood the basement, explained oceanographer John Boon, professor emeritus at VIMS and lead developer of Tidewatch. Marinas might haul in boats or readjust mooring lines. "For property owners in

general, we hope this will enable them to prepare, decide if they have to move things," Boon said. "If they have to think about evacuation and doing so in a timely fashion." Boon will unveil Tidewatch in a public After Hours lecture at 7 p.m., Thursday in Watermen's Hall on the VIMS campus. Tidewatch forecasts are based on data collected at 10 water-level stations around the lower bay and updated every 30 minutes. This makes Tidewatch forecasts more localized and accurate than predictions generated by NWS computer models based on surface winds and updated every six hours, said Boon. The system was tested during Hurricane Irene's approach last year, he said, "and we got the time and the height pretty close, to a couple of tenths of a foot." Other states have forecasting systems, but Tidewatch is unique for its frequent updates that enable real-time updates, said NWS meteorologist John Billet.

LYNCHBURG NEWS AND ADVANCE

Experiment seeks to bring more fish to shallow water at Smith Mountain Lake Standing on a bank at Smith Mountain Lake on Wednesday, Michael Forte watched as Appalachian Power workers on a barge lowered what looked like a wooden pyramid the size of a small refrigerator into the lake. Forte, of Franklin County, designed it himself, and now the invention is part of an assortment of habitat devices that will be used to determine how to entice more fish into coves at the lake. With the help of Internet research, Forte built a similar pyramid habitat and installed it under his boathouse a few years ago. He said it caused a "dramatic difference" in the number of fish swimming in his cove; today there are dozens and dozens as opposed to very few. "I just wanted to see if I could attract some fish," Forte said. "And it worked." The power company, which uses Smith Mountain and Leesville lakes to produce electricity through a two-reservoir hydroelectric generation dam, hopes to duplicate that kind of success in drawing fish to shallow water areas, said Liz Parcell, a plant manager. On Wednesday, workers lowered about a dozen similar fish habitat devices in areas with depths of fewer than 20 feet in the cove below the Discovery Center at Smith Mountain Lake State Park in Bedford County. Some of the habitat designs were natural collections of brush and twigs; others were man-made and included cinderblocks, wood pallets and various pipes. "It's kind of like a scientific project," Parcell said. Some designs resembled objects that might be seen in art galleries, but that will change over time, she said. "They'll get covered in algae; they won't look like this for long," Parcell said. The goal is to study what designs work and then share that information with lake homeowners, who in turn could use it to create fish habitats of their own. Next year, the Virginia Department of Game and Inland Fisheries will send scuba divers into the water near the habitats placed in the water Wednesday to gauge their effectiveness in drawing more fish, Parcell said. The work is tied to the 30-year license renewal that the Federal Energy Regulatory Commission granted APCo in 2010, she said. The license, which FERC renewed after years of planning and debate among lake-area stakeholders, calls for a habitat management plan and improved habitat along the shoreline. A requirement in the license is to install fish habitats at a few local boat ramps at the two lakes, Parcell said. There are "recreational and environmental" incentives in attracting more people to the lake by drawing more fish to the shoreline, she said, and a goal is to help the economy.

ASSOCIATED PRESS (Va.)

Va. seeks acorns, seeds to preserve native trees RICHMOND -- The Virginia Department of Forestry is asking Virginians to help preserve native trees by collecting acorns and seeds from 11 species. Officials say the best time to collect acorns is the last week in September through the first week of October and that lawns or paved areas are ideal collection sites. The most-needed species are: Alleghany Chinkapin; Chinese Chestnut; Hazelnut; Black Oak; Chestnut Oak; Northern Red Oak; Pin Oak; Sawtooth Oak; White Oak; Willow Oak and Black Walnut. Nursery forester Josh McLaughlin says those interested in collecting acorns or seeds should not use plastic bags to hold them or combine different species in the same bag. Collectors also should identify the species on the bag before delivering them to the nearest department office.

MISCELLANEOUS

CBS

Survivor: Meet the Returning Castaways (EPA's Russel Swan) After being medically evacuated from the game, these Survivor all-stars return to finish what they started and for one more chance at the million dollars.

BNA DAILY ENVIRONMENT REPORT

State Environmental Budgets Seen Likely to Decline in FY 2013 State environmental budgets declined from fiscal year 2011 to 2012, and projected federal budget cuts will likely reduce state spending further in fiscal 2013, according to a report from the Environmental Council of the States. The report does not definitely say whether state budgets would decline because federal state revolving loan funds have not yet been allocated for fiscal 2013. Despite the uncertainty, states expect to increase state-imposed fees and contributions from state general funds while receiving less federal funding.

Proposed Settlement Would Eliminate Major Sources of Some Chemicals EPA reaches a proposed settlement of a Toxic Substances Control Act case that would eliminate all major sources of U.S. production or importation of short-chain chlorinated paraffins, chemicals that are persistent, bioaccumulative, and toxic to aquatic life. The proposed consent decree with INEOS Chlor Americas Inc., filed in the U.S. District Court for the District of Delaware, addresses the company's alleged importation of short-chained chlorinated paraffins. The chemicals INEOS imported were not on the TSCA inventory, and INEOS had not submitted notice to EPA, according to the agency.

House Panel to Probe Barriers to States' Dredge-and-Fill Oversight A House Transportation and Infrastructure subcommittee plans to hold a hearing next month to discuss why more states are not assuming jurisdiction over federal dredge-and-fill permitting programs. Jonathan Pawlow, Republican counsel for the Water Resources and Environment Subcommittee, says the purpose of the Sept. 20 hearing is to determine the level of interest among states and to find out "what are the potential impediments to having more than just [Michigan and New Jersey] assume this permitting program."

NEW YORK TIMES

Blog: University of Texas Compounds Conflict Question in Review of Gas Report As I wrote recently, the University of Texas, Austin, appropriately initiated an independent review of the report from its Energy Institute on gas drilling using hydraulic fracturing, or fracking, methods. The review was ordered after the Public Accountability Initiative, a nonprofit research group, pointed out previously undisclosed financial ties between a leader of the report, Charles Groat, and a drilling company. Last week, however, the same watchdog group pointed out that the announced leader of the independent review, Norman Augustine, a past presidential science and technology adviser and leader of important technical assessments for NASA and Congress, is receiving substantial payments from ConocoPhillips for past service on the board of directors. The university has defended the choice, noting Augustine's record of achievement as an analyst of tough technical and scientific questions. The editorial board of the San Antonio Express newspaper said Augustine's "ties to the energy industry clearly disqualify him from leading an independent review." I think it's a close call given his clear record of public service, but agree with the paper's view that the school could have chosen more carefully. And, if it still had settled on Augustine, the university could have been more completely forthcoming about his substantial income from ConocoPhillips, a company that — as the NPR regional news project State Impact reported last week — calls itself "one of the nation's largest natural gas producers." Click here for more background on this issue, and the importance of disclosing potential conflicts of interest ahead of time if credibility and impact are goals.